

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL ANTHONY FLORES,
AKA JIMMY FLORES,

Petitioner,

v.

UNKNOWN,

Respondent.

NO. CV 11-7390-DMG (AGR)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the first amended petition, records on file, and the Report and Recommendation of the United States Magistrate Judge. The Court accepts the findings and recommendation of the Magistrate Judge.

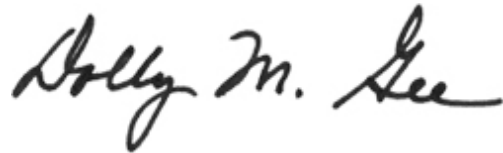
Petitioner pled no contest to various crimes and was sentenced to 22 years in prison. (Report at 2.) There is no indication Petitioner appealed his conviction or filed any habeas petitions in California. (*Id.*) The Report recommended dismissal of the instant petition without prejudice for failure to exhaust state remedies. (Report at 4.)

On December 15, 2011, Petitioner filed a letter in which he stated, "I do

1 understand now that I should have exhausted all my state remedies.” He also
2 stated, “I would like to know what it is I need to do and what Court I need to
3 address at this stage of my petition.” As the Report explained, to exhaust state
4 remedies, Petitioner must present his claims to the California Supreme Court.
5 (Report at 3.) Thus, at a minimum, Petitioner must file a habeas petition with the
6 California Supreme Court.¹

7 IT IS ORDERED that judgment be entered denying the petition and
8 dismissing this action without prejudice.

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10 DATED: January 3, 2012



DOLLY M. GEE
United States District Judge

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26 _____
27 ¹ The Court expresses no opinion as to the merits of Petitioner's claims,
28 the timeliness of his claims, either here or in California, or the procedural
requirements for filing habeas petitions in California.